

Department of Justice
Office of the Secretary
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12th September 2023

Retirement Villages Amendment Bill 2023 – Community Consultation

COTA Tasmania welcomes this opportunity to respond to the proposed Retirement Villages Amendment Bill 2023. COTA has been aware of the existing issues raised by TARRV and other older Tasmanians about the current Retirement Villages Act 2004 for some time and is pleased to see the Government taking steps to create changes that will strengthen protections for residents of retirement villages across the state.

Retirement Villages provides older Tasmanians with a shared sense of security, connection and liveability and are increasing in number across Australia as a popular lifestyle choice in retirement. In Tasmania, we have seen a growth in the number and size of retirement villages, (also referred to as Independent Living Units), with many now co-located with residential aged care facilities.

Tasmania has the fastest growing and oldest demographic in Australia, with the vast majority of people ageing as healthy, social and active community members. Living longer brings with it opportunities to contribute, to experience new things and to connect with community. It also brings with it an increased need for financial security alongside financial literacy skills to support decision making around contractual arrangements in relation to housing options that support active ageing.

According to the Property Council Retirement 2022 census, the average age of someone that enters a retirement village in Australia is 75 years and the average age of a resident is 81 years. The average time residents live in a village is 8-9 years.

It is imperative that Tasmanian's are both protected and informed about their rights and responsibilities when entering any contractual housing arrangement. We therefore feel that alongside the proposed legislative changes, stronger support should be provided to (prospective) Retirement Village residents around their rights, as well as an independent body to support the complaints process. Currently, residents of Retirement Villages are not able to access the independent advocacy support provided by Advocacy Tasmania, as this is only available to those in receipt of NDIS and My Aged Care services. They are also not considered, to our knowledge, eligible for support via the Tenants Union of Tasmania.



We strongly believe that all Tasmanian's should have access to impartial, accurate advice and support in relation to their housing situation. Unfortunately, under current circumstances, residents of Retirement Villages are not afforded access to specialised legal or advocacy services to support any potential issues or complaints they wish to make.

Whilst we appreciate that some of the services mentioned above are out of scope of State Government funded services, we would like the Consultation Process to look into these issues alongside the proposed amendments to the Act.

Enquires were made by COTA Tasmania late in December 2022 to CBOS requesting information about:

- The total number of retirement villages in Tasmania
- The total number of residents living in retirement villages in Tasmania
- The number of retirement villages in Tasmania with nursing homes attached
- The total number of residents living in retirement villages with nursing homes attached

We were advised by a CBOS representative at the time that this information is not kept by their offices and that *"This office is not required to maintain a register on the number of retirement villages or the number of residents living in retirement villages in terms of the Act"*.

We would suggest that alongside the amendments to the Act, having this information would assist with ensuring CBOS and the Tasmanian Civil and Administrative Tribunal are able to respond to requests or potential complaints made under the Act, as well as ensuring accurate records of resident numbers to support planning and demographic profiling is maintained.

We support the proposed insertion of Sections 14A, 14B and 14C as part of the proposed amendments to the Act and have the following additional comments in relation to these.

Recurrent charges


We agree with the proposed amendments and believe it to be fair and transparent that Retirement Village operators should be asked to provide written explanation about expected increases in charges, and that these increases are explained and justified to tenants both verbally and in writing. The circumstances outlined in the proposed amendments for the need to increase the recurrent fees above CPI appear reasonable. We also agree with proposed changes requiring retirement village operators to advise each resident in writing notice of any applications made to the Tasmanian Civil and Administrative Tribunal.

Imposing special levies

We agree with all proposed amendments to the rules surrounding the application of special levies on residents of retirement villages outlined in section 14 (C) 2 a,b,c.

COTA TASMANIA

Patron

 Her Excellency the Honourable Barbara Baker AC,
Governor of Tasmania